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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/938,727	08/27/2001	Seiji Sugimura	1614.1182	2759
21171	7590	07/14/2005	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			LEROUX, ETIENNE PIERRE	
			ART UNIT	PAPER NUMBER
			2161	

DATE MAILED: 07/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/938,727	SUGIMURA, SEIJI
	Examiner Etienne P LeRoux	Art Unit 2161

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 22 April 2005.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-3,6-10,13-18,21-23 and 30 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-3,6-10,13-18,21-23 and 30 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 27 August 2001 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. _____.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5) Notice of Informal Patent Application (PTO-152)

6) Other: _____.

Claim Status:

Claims 1-3, 6-10, 13-18, 21-23 and 30 are pending; claims 4, 5, 11, 12, 19, 20 and 24-29 having been cancelled. Claims 1-3, 6-10, 13-18, 21-23 and 30 are rejected as detailed below.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 8-10, 15 and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by US Pat No 6,505,348 issued to Knowles et al (hereafter Knowles).

Claims 1, 8, 15 and 16:

Knowles discloses:

a storage unit [Fig 35, step comprising updating or changing password implies a storage unit] a processing part configured to detect a password input error [col 12, lines 47-63, error screen implies that the input error has been detected and stored in a database, also lines 57-63 regarding establishing a new password] and to register information of the information processing apparatus by making a transmission to a first database of a registration center when the password input error is detected, and to store transmission log information related to the transmission to the registration center into said storage unit [col 12, lines 60-63 reads on a transmission log]

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Claims 2 and 9:

Knowles discloses wherein said processing part includes means for transmitting to a second database of the registration center if the transmission log information is stored in said storage unit, and for making a system lock with respect to the information processing apparatus if the information related to the information processing apparatus is registered in the first database or the second database [col 12, lines 47-55, correct password grants access, incorrect password results in error screen].

Claim 10:

Knowles discloses outputting a warning if the information related to the information processing apparatus is registered in the second database [error screen, col 12, lines 47-49]

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 6, 7, 13, 14, 17, 18, 21-23 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knowles

Claim 3:

Knowles discloses the elements of claims 1 and 2 as noted above. Furthermore, Knowles discloses wherein said processing part includes means for outputting a warning if the information related to the information processing apparatus is registered [col 12, lines 47-63] but fails to

disclose a second database. Official Notice is taken that a second database is well-known and expected in the art because partitioning a database into a first database and a second database is well-known and expected in the art. The skilled artisan would have been motivated to improve the invention of Knowles to include a second database for the purpose of creating a separate database for an alarm signal for easy recognition and accessing.

Claim 6:

Knowles discloses a first database configured to register information related to a first apparatus when notified of a password input error at the first apparatus, in response to a transmission from the first apparatus [col 12, lines 47-63], a second database which registers the information of the first apparatus when the information related to the first apparatus is notified from a second apparatus and the information related to the first apparatus is registered in said first database, in response to a transmission from the second apparatus [col 12, lines 60-63], a processing part which controls registration of information to and deletion of information from said first database and said second database [changing a password per col 12, lines 53-63]

Knowles discloses the elements of claim 6 as noted above except for a first database which records the entry of an incorrect password and a second database for recording the occurrence of the entry of an incorrect password. Official Notice is taken that a second database is well-known and expected in the art because partitioning a database into a first database and a second database is well-known and expected in the art. The skilled artisan would have been motivated to improve the invention of Knowles to include a second database for the purpose of creating a separate database for an alarm signal for easy recognition and accessing.

Claims 7 and 22:

Regarding claim 7, Knowles discloses that information can be deleted from a database [Fig 35, changing a password]

Claims 13, 14, 21 and 23:

Knowles discloses registering information related to a first apparatus in a database when notified of a password input error at the first apparatus, in response to a transmission from the first apparatus [col 12, lines 47-63, error screen implies that the input error has been detected and stored in a database, also lines 57-63 regarding establishing a new password], registering the information of the first apparatus in a database when the information related to the first apparatus is notified from a second apparatus and the information related to the first apparatus is registered in said first database, in response to a transmission from the second apparatus [col 12, lines 60-63 reads on a transmission log] and controlling registration of information to and deletion of information from said first database and said second database [changing a password per Fig 35].

Official Notice is taken that a second database is well-known and expected in the art because partitioning a database into a first database and a second database is well-known and expected in the art. The skilled artisan would have been motivated to improve the invention of Knowles to include a second database for the purpose of creating a separate database for an alarm signal for easy recognition and accessing.

Claim 17:

Knowles discloses causing the computer to transmit to a database of the registration center if the transmission log information is stored in said storage unit [error screen, col 12, lines 47-50]; and causing the computer to make a system lock with respect to the computer if the information related to the computer is registered [col 12, lines 47-50, access is granted if

password is correct]. Official Notice is taken that a second database is well-known and expected in the art because partitioning a database into a first database and a second database is well-known and expected in the art. The skilled artisan would have been motivated to improve the invention of Knowles to include a second database for the purpose of creating a separate database for an alarm signal for easy recognition and accessing.

Claim 18:

Knowles discloses causing the computer to output a warning if the information related to the computer is registered in the second database [error screen [col 12, lines 47-50]

Claim 30:

Knowles discloses wherein said access control program forms a portion of a control program or an operating system of the computer [Fig 35].

Response to Arguments

Applicant's arguments filed 4/22/2005 have been fully considered but they are not persuasive.

Applicant Argues:

Applicant states in the sixth paragraph of page 8, "In contrast to Knowles et al, the database in the present invention is used for security purposes."

Examiner Responds:

Examiner is not persuaded. In response to applicant's argument that the present invention is used for security purposes, examiner notes a recitation of the intended use of the claimed

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invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the prior art. See *In re Casey*, 370 F.2d 576, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 312 F.2d 937, 939, 136 USPQ 458, 459 (CCPA 1963).

Applicant Argues:

Applicant states in the third paragraph of page 9 “For at least these reasons, Applicant respectfully submits that Knowles et al fails to teach or suggest all of the claimed features of amended independent claims 1, 8 and 16 and, therefore, amended claims 1, 8 and 16 and those claims depending directly or indirectly therefrom, patentably distinguish over the prior art and are in condition for allowance.

Examiner Responds:

Examiner is not persuaded. Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

Examiner needs to point out the unclear language of at least amended claim 1. Claim 1 recites “a processing part configured to detect a password input error and to register information of the information processing apparatus by making a transmission to a first database of a registration center when the password input error is detected.” It is unclear from the specification what comprises to “register information of the information processing apparatus.”

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It is difficult to determine what information concerning the processing apparatus is transmitted to the registration center when a password input error is detected. In particular, it is unclear whether above information relates to the detection of a password input error or to other more general information related to the processor.

Applicant Argues:

Applicant states in the end of the second paragraph of page 2, "Applicant respectfully submits that Knowles et al relates to accessing predetermined data from a plurality of users (user terminals). The present invention, however, relates to the management of the security of a predetermined information processing apparatus. Thus, Knowles et al fails to teach or suggest all of the features of the present information.

Examiner Responds:

Examiner is not persuaded. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the feature upon which applicant relies (i.e., security of a predetermined information processing apparatus) is not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant Argues:

Applicant states in the third paragraph on page 10 "Applicant respectfully disagrees and submits that there is no motivation to combine this second database with the teachings of Knowles et al. The abstract of Knowles et al states the 'Each of the different IPGs [Interactive Program Guides] share a common database. Therefore, a first IPG being viewed by a first user

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can display data added or modified via a second IPG by a user of the system.’ Thus Knowles et al uses a single database and adding a second database as suggested by the examiner would contradict the teachings of Knowles et al.”

Examiner Responds:

Examiner is not persuaded. Examiner suggests it will be helpful to consider in detail the claim 2 limitation concerning a second database before deciding whether it would have been obvious to one of ordinary skill in the art to add such a second database. Claim 2 recites “wherein said processing part includes means for transmitting to a second database of the registration center if the transmission log information is stored in said storage unit.” Examiner maintains that it is unclear what purpose and/or function the second database provides in the present invention. The issue of the second database is further clouded by the claim 1 limitation “a processing part configured to detect password input error and to register information of the information processing apparatus by making a transmission to a first database of a registration center when the password input error is detected.” It is unclear what information is transmitted to the first database and what information is transmitted to the second database. With this indefiniteness in mind, examiner notes that in response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347,

21 USPQ2d 1941 (Fed. Cir. 1992). In this case, it would have been obvious to the skilled artisan to provide a second database for any of the following reasons:

- 1) providing additional security in the event of failure of a single database
- 2) limited storage capacity of the first database
- 3) logical reason(s), i.e., it is easier to access data when the data has been grouped relative to topic, subject matter and time basis (version).
- 4) to use less expensive memory for purposes of backup.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Etienne P LeRoux whose telephone number is (571) 272-4022. The examiner can normally be reached on 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on (571) 272-4023. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Etienne LeRoux

6/27/2005



MOHAMMAD ALI
PRIMARY EXAMINER